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June 4, 2019

VIA ECF

Hon. Louis L. Stanton, U.S.D.J.
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 1007-1312

Re: *Federal Trade Comm'n, et al. v. Quincy Bioscience Holding Co., LLC*
Case No. 1:17-cv-00124-LLS

Your Honor:

We represent defendants Quincy Bioscience Holding Company, Inc., Quincy Bioscience LLC, PrevaGen, Inc. d/b/a Sugar River Supplements, and Quincy Bioscience Manufacturing, LLC (collectively, "Corporate Defendants") in the above-referenced action.

Following the parties' conference with Your Honor on May 28, 2019, the Corporate Defendants have decided that they will withdraw their argument that this action constitutes an improper restraint on commercial speech from their motion to dismiss, without prejudice and subject to being reasserted as an affirmative defense and/or for other purposes throughout the litigation, if necessary.

The Corporate Defendants do intend, however, to pursue their dismissal argument that FTC lacked a valid quorum when it authorized the commencement of this action. As the parties discussed with Your Honor and during a meet-and-confer with Plaintiffs on June 4, 2019, the Corporate Defendants will file a supplemental brief on that remaining point on or before June 17, 2019. Plaintiffs will file their reply to the Corporate Defendants' supplemental brief on or before July 1, 2019.

We thank the Court for its attention to this matter.

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Respectfully submitted,

/s/ Geoffrey W. Castello

Geoffrey W. Castello

cc: All counsel of record (via ECF)